

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Thalia, LLC	
t/a Slaviya	Fact-
2424 18th Street, NW	Finding
Retailer CR - ANC-1C	Hearing
License No. 83910	

(License in Extended
Safekeeping)

May 1, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

P-R-O-C-E-E-D-I-N-G-S

(4:58 p.m.)

CHAIRPERSON MILLER: Okay. I'm going to back to the 4:00 case of Slaviya located at 2424 18th Street, N.W. And I understand that the licensee did not show at 4:00 and it is now 4:58. So I think we are going to hear from our licensing person, Mr. Gordy, Sean Gordy, about this license that has been in safekeeping, I think, since May 9, 2012. Mr. Gordy? Oh, whenever you are ready. Have a seat.

Could you identify your name and position for the record?

MR. GORDY: Sure.

CHAIRPERSON MILLER: Okay.

MR. GORDY: Good afternoon. My name is Sean Gordy, Licensing Division Manager for the Alcoholic Beverage Regulation Administration.

CHAIRPERSON MILLER: And could you describe your job responsibilities with

1 respect to accepting and maintaining licenses
2 in safekeeping?

3 MR. GORDY: To review applications
4 submitted for -- from licensees, requesting
5 licenses to be placed in safekeeping and to
6 assign and ultimately present those
7 applications to the ABC Board.

8 CHAIRPERSON MILLER: Okay. So we
9 are wondering if you could address the license
10 that has been in safekeeping for Slaviya? Are
11 you familiar with that license?

12 MR. GORDY: I am. The Slaviya, the
13 license for Slaviya was approved for
14 safekeeping in May 2012, initially, through
15 November 2012. And a letter to the licensee
16 approving safekeeping was also attached to the
17 licensee's record through 2013.

18 The license was allowed to revert
19 to the landlord without the need for an
20 involuntary transfer, while still retaining
21 the same license number and ownership of the
22 license reflected.

1 CHAIRPERSON MILLER: So is this
2 license held by a landlord in this case?

3 MR. GORDY: Yes. The license is
4 currently held by Thalia, LLC.

5 CHAIRPERSON MILLER: Okay.

6 MR. GORDY: The landlord of 2424
7 18th Street, N.W. The second year payment of
8 that license is not reflected in our Acela
9 Database as of today.

10 CHAIRPERSON MILLER: Okay. So do
11 you have any information as to why this
12 license is still in safekeeping?

13 MR. GORDY: Basically, what we
14 have had thus far to date is the safekeeping
15 status on this license expired --

16 CHAIRPERSON MILLER: Okay.

17 MR. GORDY: -- November 15, 2012.
18 And that is about the -- we have not --
19 although we have identified a contact person
20 for the licensee, Norman Jamaal, who is
21 supposedly the new owner, we have made efforts
22 to contact the new owner or licensee through

1 phone calls and letters; however, they have
2 gone unanswered.

3 CHAIRPERSON MILLER: Okay. So
4 when would you say you last tried to contact?
5 Was it this month?

6 MR. GORDY: Our last -- yes. We
7 actually sent a letter to the licensee on
8 April 22, 2014 and that was to invite the
9 licensee to this hearing.

10 CHAIRPERSON MILLER: So when you
11 say the licensee, are you talking about Mr.
12 Jamaal or are you talking about somebody else?

13 MR. GORDY: We are actually
14 talking about Mr. Jamaal or Food and Fun
15 Network, LLC, Slaviya.

16 MEMBER ALBERTI: Can I ask a
17 couple of questions?

18 MR. MARTENS: Yes, I just want to
19 just finish this line and then I'll --

20 MEMBER ALBERTI: All right.

21 CHAIRPERSON MILLER: -- be happy
22 to turn it to you.

1 MEMBER ALBERTI: Sure.

2 CHAIRPERSON MILLER: But is
3 Slaviya the old owner and Jamaal the new
4 owner? I'm just not clear about that.

5 MEMBER ALBERTI: That's what I was
6 going to ask questions about.

7 CHAIRPERSON MILLER: Oh, okay.

8 MEMBER ALBERTI: So can I ask, Mr.
9 Gordy, let's go back to the beginning and
10 let's get here, where we are now.

11 MR. GORDY: Okay.

12 MEMBER ALBERTI: So back in 2012,
13 around May -- well, some time in 2012 --

14 MR. GORDY: All right.

15 MEMBER ALBERTI: -- is it -- am I
16 correct that the license reverted to the
17 landlord from the then owner, it reverted to
18 the landlord without an involuntary transfer?

19 MR. GORDY: Yes.

20 MEMBER ALBERTI: And who was that
21 landlord, at that time?

22 MR. GORDY: The landlord Thalia,

1 LLC.

2 MEMBER ALBERTI: Okay. So it
3 transferred to Thalia, LLC. Okay. Is it
4 still owned by Thalia, LLC?

5 MR. GORDY: Yes, according to our
6 records.

7 MEMBER ALBERTI: Okay. So Thalia,
8 LLC is still the owner of the license?

9 MR. GORDY: Correct.

10 MEMBER ALBERTI: Okay. I think
11 that answers the question of who it is right
12 now. So who is Jamaal?

13 MR. GORDY: Jamaal was listed as
14 our contact person and supposedly, as we were
15 told, was the new owner, but we have no
16 verification of that.

17 MEMBER ALBERTI: Oh, oh, so he is
18 your contact person and someone said he was
19 the new owner, but --

20 MR. GORDY: Right.

21 MEMBER ALBERTI: -- that's what
22 confused me. But there has been no transfer

1 to or application even --

2 MR. GORDY: No.

3 MEMBER ALBERTI: -- to transfer to
4 somebody called Jamaal.

5 MR. GORDY: Correct.

6 MEMBER ALBERTI: So our records
7 show that Thalia, LLC is the current and valid
8 owner.

9 MR. GORDY: Correct.

10 MEMBER ALBERTI: All right. And
11 do we know -- do you have in your database
12 when it was transferred to them?

13 MR. GORDY: The last extension in
14 safekeeping transferred in May of 2012.

15 MEMBER ALBERTI: Okay. So May of
16 2012 it went -- or somewhere around there it
17 went from the then owner to Thalia, LLC. Is
18 that pretty much correct?

19 MR. GORDY: Correct.

20 MEMBER ALBERTI: Okay. Now, how
21 did you go about trying to contact Thalia,
22 LLC? I mean, was there a contact? I mean,

1 how -- where did you find the contact
2 information from?

3 MR. GORDY: We -- basically as the
4 license through the attorney/agent, we --

5 MEMBER ALBERTI: The attorney/
6 agent at the -- of the landlord, at the time
7 of the -- at the time that the landlord took
8 over?

9 MR. GORDY: Correct.

10 MEMBER ALBERTI: So it's the
11 attorney/agent of Thalia, LLC. Okay. Did you
12 contact that agent?

13 MR. GORDY: Yes.

14 MEMBER ALBERTI: Okay. And they
15 provided you with what?

16 MR. GORDY: An extension. There
17 was a request to extend the license in
18 safekeeping.

19 MEMBER ALBERTI: But in terms of
20 the contact person. If I call them up today,
21 who -- did they provide you with a contact
22 name?

1 MR. GORDY: Right. The contact as
2 person identified was Norman Jamaal.

3 MEMBER ALBERTI: Norman Jamaal.
4 And that came from someone who was, at least
5 at one time, the agent or representative for
6 the licensee?

7 MR. GORDY: Correct.

8 MEMBER ALBERTI: Legal -- was it a
9 legal representative?

10 MR. GORDY: Right, legal counsel.

11 MEMBER ALBERTI: Okay. And you
12 tried contacting Norman Jamaal, right, and got
13 no response?

14 MR. GORDY: Correct.

15 MEMBER ALBERTI: Did you have an
16 email for him? Telephone? What's the deal?

17 MR. GORDY: We actually had -- the
18 initial application for safekeeping was
19 through Mallios & O'Brien, in which we --
20 according to the application, the licensee
21 rights had been assigned to the landlord. The
22 tenant had departed, so our continued contact

1 was through to renew the -- I was to send the
2 license of communication through the landlord.

3 MEMBER ALBERTI: Right. Through
4 Mallios --

5 MR. GORDY: Mallios & O'Brien.

6 MEMBER ALBERTI: -- and O'Brien.
7 So but you said Mallios & O'Brien gave you
8 Norman Jamaal as the contact?

9 MR. GORDY: At least that's what I
10 reconcile, yes.

11 MEMBER ALBERTI: Okay. So what
12 contact information did you have for Norman
13 Jamaal? You don't have to tell me. Just what
14 was the deal? Did you have a telephone
15 number? Did you have an email? How -- you
16 said you tried to contact him. What
17 mechanism?

18 MR. GORDY: Through letters. I
19 don't think we -- phonecalls were also made to
20 the contact of the licensee, but again those
21 phonecalls were --

22 MEMBER ALBERTI: Again, here is

1 what I'm trying to get at. I'll just get
2 straight to the point. What confidence can
3 you give me that he got those messages? He
4 got those letters?

5 MR. GORDY: None.

6 MEMBER ALBERTI: What?

7 MR. GORDY: None.

8 MEMBER ALBERTI: None, okay. Have
9 you communicated this with the attorneys, the
10 law firm?

11 MR. GORDY: (No audible answer.)

12 MEMBER ALBERTI: I mean have you
13 followed-up with them to see if there is
14 better contact information, now that you
15 haven't gotten back from this individual?

16 MR. GORDY: Yes, for the most
17 part. I mean, as far as, you know, my records
18 reflect, yes.

19 MEMBER ALBERTI: So you -- and
20 they are telling you that that's the correct
21 contact information?

22 MR. GORDY: According to our

1 records, yes.

2 MEMBER ALBERTI: Have you asked
3 them if they represent the landlord still?

4 MR. GORDY: No.

5 MEMBER ALBERTI: Okay. All right.

6 CHAIRPERSON MILLER: So, Mr.
7 Gordy, do you think that there is more you
8 could do to get in touch with Mr. Jamaal?

9 MR. GORDY: Yes.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: I would start by
12 asking the law firm if they still represent
13 the landlord.

14 MR. GORDY: Um-hum.

15 MEMBER ALBERTI: Because if they
16 do, then -- okay. All right.

17 CHAIRPERSON MILLER: Anybody else?

18 MEMBER ALBERTI: All right.
19 Nothing, nothing.

20 CHAIRPERSON MILLER: Okay. All
21 right. So I think what we have here is that,
22 you know, we haven't gotten in contact or the

1 Agency with the person they need to get in
2 contact with who come to appear before us at
3 a hearing and give us information about
4 specific plans for this license.

5 MEMBER ALBERTI: Yes. My question
6 to Mr. Gordy is do you think in two weeks time
7 you could prepare to return to us at a Fact-
8 Finding to talk about your efforts to contact
9 this licensee?

10 MR. GORDY: Yeah.

11 MEMBER ALBERTI: And where that
12 stands?

13 MR. GORDY: Yes, yep.

14 MEMBER ALBERTI: Okay. And if you
15 do, then we can -- I mean, if you contact him
16 in the interim, maybe we can schedule another
17 Fact-Finding, but we will see where that is
18 at, but if you haven't contacted him, then we
19 want to know what your efforts are and if we
20 are -- I'm satisfied that this Agency has made
21 reasonable efforts and haven't gotten a
22 response.

1 I would be prepared to cancel the
2 license, that's where I'm at. So but I want
3 to make sure that we have made every effort.

4 MR. GORDY: Okay. Absolutely.

5 CHAIRPERSON MILLER: So we will
6 see how you do. If you locate him, we will
7 then schedule a Fact-Finding with him here.
8 And I gather if you don't, then we may have
9 you put on the record your efforts.

10 MR. GORDY: Okay.

11 CHAIRPERSON MILLER: Okay.

12 MR. GORDY: All right.

13 CHAIRPERSON MILLER: Thank you so
14 much.

15 MEMBER ALBERTI: Thank you.

16 CHAIRPERSON MILLER: Mr. Gordy?
17 Okay. Would you just hang in for one minute?

18 MR. GORDY: Sure.

19 (Whereupon, the Fact-Finding
20 Hearing in the above-entitled matter was
21 concluded at 5:13 p.m.)
22

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